

Lauren M. Blas, SBN 296823
LBlas@gibsondunn.com
Nicole R. Matthews, SBN 328977
NMatthews@gibsondunn.com
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California 90071
Telephone: 213.229.7000
Facsimile: 213.229.7520

Geoffrey Sigler (pro hac vice)
GSigler@gibsondunn.com
Derek K. Kraft (pro hac vice)
DKraft@gibsondunn.com
Matthew G. Aiken (pro hac vice)
MAiken@gibsondunn.com
Gibson, Dunn & Crutcher LLP
1700 M Street, N.W.
Washington, DC 20036-4504
Telephone: 202.995.8500
Facsimile: 202.467.0539

Attorneys for Defendants United
Behavioral Health and United Healthcare
Insurance Company

Matthew M. Lavin (pro hac vice)
matt.lavin@agg.com
Arnall Golden Gregory LLP
1775 Pennsylvania Ave NW,
Suite 1000
Washington, DC 20006
Telephone: 202.677.4030
Facsimile: 202.677.4031

David M. Lilienstein
SBN 218923
david@dllawgroup.com
Katie J. Spielman
SBN 252209
katie@dllawgroup.com
DL Law Group
345 Franklin Street
San Francisco, CA 94102
Telephone: 415.678.5050
Facsimile: 415.358.8484

Attorneys for Plaintiffs

[Additional Counsel Listed On
Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

LD, et al.,

Plaintiffs,

v.

United Behavioral Health, et al.,

Defendants.

Case No. 4:20-cv-02254-YGR-JCS

Hon. Yvonne Gonzalez Rogers

**Joint Statement Regarding Scheduling
Pursuant to Order Granting Motion for
Class Certification (ECF 516)**

Date: December 15, 2025

Time: 11:30 am

Location: Zoom

1 Plaintiffs LD, DB, BW, RH and CJ, Defendants United Behavioral Health and United
 2 Healthcare Insurance Company (“United Defendants”), and Defendant MultiPlan, Inc.
 3 (“MultiPlan”), collectively the “Parties” to the above-entitled action, submit this Joint Statement
 4 Regarding Scheduling Pursuant to Order Granting Motion for Class Certification. *See* ECF 516.

5 The Parties have met and conferred regarding proposed scheduling. Below are the
 6 Parties’ brief explanations regarding certain events in the Parties’ proposed schedule, followed
 7 by the proposed schedule for the action.

8 **“Class list” data production.** The schedule refers to a “class list,” which will be used (in
 9 whole or in part) to send class notice consistent with the requirements of Rule 23. Defendants
 10 note the “class list” may include individuals who are not actually part of the class (e.g., because
 11 they did not pay balance bills for the claims at issue in this case). Defendants reserve all rights
 12 and arguments regarding class membership (including whether any given individual is actually a
 13 class member), and regarding the scope of class notice (which will be addressed in the Parties’
 14 joint submission discussed below). Plaintiffs note that the Parties are continuing to meet and
 15 confer regarding the parameters of the class list and anticipate that any remaining issues can be
 16 resolved without the need for Court intervention.

17 **Parties’ joint submission regarding appointment of Notice Administrator,**
 18 **Administrator Protocol/Notices, and Fact Discovery.** The Parties agree that the Notice
 19 Administrator will handle the class notification and opt out process that is required by Rule 23.
 20 Plaintiffs have proposed that the Notice Administrator also collect information and records
 21 regarding balance bill payments, which would include collecting information from class
 22 members, subscribers (if different from the class member), and class members’ providers for the
 23 claims at issue in this case. Plaintiffs believe that this proposal will promote efficiency and help
 24 minimize disputes, and they will advance the costs of the Notice Administrator’s work (including
 25 handling the notice and opt out process required by Rule 23) but reserve the right to seek
 26 recovery of these costs. Defendants are willing to consider Plaintiffs’ proposal, provided that
 27 Defendants maintain the ability to conduct reasonable discovery in accordance with the Federal
 28 Rules, including nonduplicative discovery to understand any balance billing evidence that may

be gathered by the Notice Administrator. The Parties propose that they address the class notice and the role (if any) of the Notice Administrator in gathering balance billing evidence (collectively, the “Notice Process”), and scope of fact discovery (if any) in the Parties’ joint submission regarding appointment of the Notice Administrator and Administrator Protocol/Notices. The Parties further agree that, after completion of the Notice Process and the Notice Administrator’s status report after the opt-out period, they will meet and confer and, if necessary, submit an additional joint submission addressing the appropriate scope of discovery in light of the results of the Notice Process, including the size of the class.¹ The Parties will work cooperatively to reach agreement on as many of these issues as possible and will address any disagreements in the joint submission. In order to avoid unnecessary disputes, the Parties agree that the Notice Process and any fact discovery under the Federal Rules will be the sole channel for gathering evidence from class members or third parties absent further order of the Court. The Notice Administrator will serve in a neutral capacity, and all Parties will be entitled to full involvement and visibility into the Notice Administrator’s activities (including any discussion with potential candidates for the role of Notice Administrator).

Case schedule after Parties’ joint submission. As described above, the Parties’ joint submission will address the timing and content of notice/opt out, the Notice Administrator’s role in gathering balance billing evidence (if any), and fact discovery (if any). Those steps will necessarily affect the timing and content of expert discovery, dispositive motions, *Daubert* motions (if any), and trial. The Parties therefore respectfully propose that they submit a schedule for the remainder of the action following the Court’s ruling on the joint submission. This would promote efficiency and avoid the potential need to redo a full case schedule to account for the Court’s ruling.

At present, the Parties can report that they agree on the following issues regarding future phases of the case:

¹ Defendants reserve the right to request (in the February 2026 joint submission) leave to begin taking reasonable discovery before the completion of the Notice Process.

- Expert discovery. Expert discovery in this phase shall be limited to analysis relating to information produced during the Notice Process and fact discovery, and any necessary supplementation of prior expert reports.
- Dispositive Motions. Given the likely overlap in legal and factual issues, the Parties anticipate presenting summary judgment arguments through coordinated cross-motions and a cross-briefing structure (opening motion; opposition and cross-motion; reply and cross-opposition; cross-reply). The Parties agree to submit a proposed briefing schedule for stipulation following the pre-filing summary judgment conference.

Proposed Schedule

Event	Proposed Date
Class List Data Production & Parties' Joint Submission Regarding Notice Process & Class Fact Discovery	
Defendants produce data regarding initial class list	January 30, 2026
Parties' joint submission regarding appointment of Notice Administrator, Administrator Protocol/Notices, and Class Fact Discovery	February 27, 2026

1 Dated: December 8, 2025

Respectfully submitted,

2 Gibson, Dunn & Crutcher LLP

3
4 By: /s/ Geoffrey Sigler

Geoffrey Sigler

5 Attorneys for Defendants United Behavioral Health and
6 United Healthcare Insurance Company

7 Dated: December 8, 2025

Phelps Dunbar LLP

8
9 By: /s/ Errol J. King, Jr.

Errol J. King, Jr.

10 Attorneys for Defendant MultiPlan, Inc.

11 Errol J. King, Jr. (pro hac vice)

12 Errol.King@phelps.com

13 Phelps Dunbar LLP

14 II City Plaza, 400 Convention Street,
Suite 1100

Baton Rouge, Louisiana 70802

15 Telephone: 225.376.0207

Facsimile: 225.381.9197

16 Dated: December 8, 2025

Arnall Golden Gregory LLP

17 By: /s/ Matthew M. Lavin

Matthew M. Lavin

18 Attorneys for Plaintiffs

19
20 Dated: December 8, 2025

DL Law Group

21 By: /s/ David Lilienstein

David Lilienstein

22 Attorneys for Plaintiffs
23
24
25
26
27
28

ATTESTATION PURSUANT TO LOCAL RULE 5-1

I am the ECF user whose identification and password are being used to file this document. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from the other signatories hereto.

Dated: December 8, 2025

/s/ Matthew M. Lavin

Matthew M. Lavin

ARNALL GOLDEN GREGORY LLP

LIMITED LIABILITY PARTNERSHIP

2100 Pennsylvania Ave., NW

Suite 350S

Washington, DC 20037

Telephone: 202.677.4040

WWW.AGG.COM